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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Shigeo Yamagata, et al.

#321 Recons

Serial No. : 08/926,882

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Filed : September 10, 1997

For : VIDEO SIGNAL RECORDING APPARATUS

Examiner : T. Tran

Art Unit : 2615

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE PURSUANT TO 37 CFR § 1.121(a)

This is in response to the Office Action of September 27, 2002.

The Examiner has rejected applicants' claims 49-55 under the judicially created doctrine of obviousness-type double patenting based on claims 1-2 of U.S. Patent No. 5,719,984 taken in view of Shimada et al. (U.S. Patent No. 4,575,772). The Examiner has further rejected applicants' claims 49, 51-52 and 54-55 under 35 USC § 102(b) as anticipated by the Shimada, et al. patent. Finally, the Examiner has rejected applicants' claims 50 and 53 under 35 USC § 103(a) as unpatentable based on Shimada et al. These rejections are respectfully traversed.

Applicants' independent claims 49 and 54 define the position of superimposition of ID data reproduced from a recording medium and image information reproduced from the recording medium, wherein the superimposition is performed in one of a first mode and a second mode. In the first mode, data of a first type contained in the ID data is superimposed. In the second mode, data of the first type and data of a second type, which is also contained in the ID data, are superimposed.

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Amended independent claims 49 and 54 recite in pertinent part:

... wherein the position at which the data of the first type is superimposed on a display screen in said first mode and the position at which the data of the first type is superimposed on a display screen in the second mode are different from each other.

Independent claims 51 and 55 are directed to the superimposition of image information, which is reproduced from a recording medium, with character information, which is converted from ID data reproduced from the recording medium. These claims recite that the position at which the character information is superimposed on a display screen is varied according to the display mode, even when the character information to be superimposed is the same.

Independent claim 51 recites in pertinent part:

... control means for changing a superimposing position on a display screen of the character information superimposed by the superimposing means according to a display mode set by the setting means;

wherein said control means vary, depending on the display mode, the position at which the character information is displayed, even when the character information is not changed.

Claim 55 similarly has been amended.

The above constructions of amended independent claims 49, 51, 54 and 55 permit the position at which information is superimposed on the display screen to be varied, as described in applicants' specification at page 89, lines 5-16 and shown in Figures 22(a) and (b). Such constructions are not taught or suggested by the cited art of record.

With respect to independent claims 49 and 54 and independent claims 51 and 55, the Examiner's rejections rely on the Examiner's interpretation of the Shimada, et al. patent and the Examiner states, in part, as follows:

"Shimada et al discloses the claimed . . . superimposing means

(col. 5, lines 16-63) that has a first mode (bit pattern of '01') in which data of a first type (DATA 1) contained in ID data is superimposed with the image information, and a second mode (bit pattern '11') in which data of the first type (DATA 1) and data of a second type (DATA 2) contained in the ID data are both superimposed with the image information and wherein the position at which the data of the first type is superimposed on a display screen in said first mode and the position at which the data of the first type is superimposed on a display screen in the second mode are different from each other (the display positions of DATA 1 in two modes should be different because the amount of data in two modes are different), as required by amended claims 49 and 54, and control means (col. 5, lines 16-63) for changing a superimposing position (the superimposing positions of bit pattern '11' and bit pattern '01' should be different because the amount of data of two modes are different) on a display screen of the character information superimposed by a superimposing means according to a display mode set by the setting means (bit patterns '11' and '01') and wherein the control means vary, depending on the display mode, the position at which the character information is displayed, even when the character information is not changed (the positions of the character information to be displayed in both modes should be different because the amount of data of two modes are different and the character information to be displayed is not changed), as required by amended claims 51 and 55. "

Applicants disagree with the Examiner's above interpretation of the Shimada, et al. patent. It is quite clear from col. 5, lines 16-63 of the Shimada, et al. patent that nothing is stated in these lines as to the display on a display screen of the character data for the different recording modes, '01' and '11'. The specific description in these lines only discusses the superimposing of the character data for the situation where the recording mode is the '11' mode, and there is no description or comparison of the superimposing process for the situation where the recording mode is the '01' mode.

Moreover, the patent states that, in the case of the '11' mode, "[a]fter storage of character video data of one picture in the video RAM (10)" (see, col. 5, lines 45-46 of the Shimada, et al. patent), the signal is fed therefrom to be D/A converted and then fed to the

mixing circuit. The patent thus contemplates that the character video data for one picture must first be accumulated and then the mixing occurs. As a result, in either mode, one picture of video character data must be accumulated, which means for the '01' mode in which only DATA 1 is recorded, more fields of data will have to be accumulated, then in the '11' mode, where DATA 1 and DATA 2 are recorded (see, col. 4, line 57 through col. 5, line 16).

The fact that DATA 1 is recorded in mode '01' and DATA 1 and DATA 2 are recorded in mode '11' in the Shimada, et al. patent, therefore, appears to have no bearing on the nature of the displays of the video character data and whether they are the same or different. It, furthermore, clearly has no bearing on the positions of the displays of the video character data on a display screen. The Examiner's conclusion that "the display positions of DATA 1 in two modes should be different because the amount of data of two modes are different" is thus not believed to be correct or based on anything taught or suggested in the Shimada, et al. patent. Similarly, the Examiner's argument that "the positions of the character information to be displayed in both modes should be different because the amount of data of two modes are different and the character information to be displayed is not changed" is likewise not believed to be correct or based on anything taught or suggested in the Shimada, et al. patent.

Applicants' independent 49, 51, 54 and 55, and their respective dependent claims, are thus believed to patentably distinguish over the Shimada, et al. patent. Additionally, claims 1 and 2 of the '984 patent add nothing to the Shimada, et al. patent to change this conclusion. Applicants' claims thus patentably distinguish over claims 1 and 2 of '984 patent taken in view of the Shimada, et al. patent.

In view of the above, it is submitted that applicants' claims patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: January 27, 2003

Respectfully submitted,

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Filed Under §1.34(a)

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